

Zoning Text Amendment No.: 12-07  
Concerning: Special Exceptions –  
Automobile Filling Station  
Draft No. & Date: 1 – 4/10/12  
Introduced: April 17, 2012  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Elrich, Ervin, Navarro, and Rice

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- revise the special exception standards for the approval of an automobile filling station.

By adding the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS.  
Section 59-G-2.06. Automobile filling station.

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*

*Underlining indicates text that is added to existing law by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*

*Double underlining indicates text that is added to the text amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

**ORDINANCE**

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. DIVISION 59-G- 2 is amended as follows:**

2   **DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND**  
3   **REQUIREMENTS**

4   \*   \*   \*

5   **Sec. 59-G-2.06. Automobile filling stations.**

6   (a)   In addition to findings required in division 59-G-1, [An] an automobile  
7         filling station may be permitted[, upon a finding , in addition to findings  
8         required in division 59-G-1,] if the Board of Appeals finds that:

9         (1)   [The] the use will not constitute a nuisance because of noise, fumes,  
10         odors, or physical activity in the location proposed[.];

11        (2)   [The] the use at the proposed location will not create a traffic hazard  
12         or traffic nuisance because of its location in relation to similar uses,  
13         necessity of turning movements in relation to its access to public  
14         roads or intersections, or its location in relation to other buildings or  
15         proposed buildings on or near the site and the traffic pattern from such  
16         buildings, or by reason of its location near a vehicular or pedestrian  
17         entrance or crossing to a public or private school, park, playground, or  
18         hospital, or other public use or place of public assembly[.]; and

19        (3)   [The] the use at the proposed location will not adversely affect nor  
20         retard the logical development of the general neighborhood or of the  
21         industrial or commercial zone in which the station is proposed,  
22         considering service required, population, character, density, and  
23         number of similar uses.

24   (b)   In addition, the following requirements must be [complied with] satisfied:

25        (1)   After {effective date}, a new automobile filling station designed to  
26         dispense more than 3.6 million gallons per year must be located at  
27         least 1,000 feet from any public or private school or any park,

playground, or hospital, or other public use, or any use categorized as a cultural, entertainment and recreation use.

[(1)](2) When such use abuts a residential zone or institutional premises not recommended for reclassification to commercial or industrial zone on an adopted master plan and is not effectively screened by a natural terrain feature, the use [shall] must be screened by a solid wall or a substantial, [sightly,] solid fence, not less than 5 feet in height, together with a 3-foot planting strip on the outside of such wall or fence, planted in shrubs and evergreens. Location, maintenance, vehicle sight distance provisions, and advertising pertaining to screening [shall be as provided for in article] must satisfy Article 59-  
E. Screening [shall] must not be required on street frontage.

[(2)](3) Product displays, parked vehicles, and other obstructions [which] that adversely affect visibility at intersections or to station driveways are prohibited.

[(3)](4) Lighting [is] must not [to] reflect or cause glare into any residential zone. Lighting levels along the side and rear lot lines adjacent to a residential zone must not exceed 0.1 footcandles.

[(4)](5) When such use occupies a corner lot, the ingress or egress driveways [shall] must be located at least 20 feet from the intersection of the front and side street lines of the lot as defined in [section] Section 59-A-2.1, and such driveways [shall] must not exceed 30 feet in width[; provided, that in areas where no master plan of highways has been adopted, the street line shall be considered to be at least 40 feet from the center line of any abutting street or highway].

[(5)](6) Each gasoline pump or other service appliance must be located on the lot at least 10 feet behind the building line; and all service,

storage, or similar activities in connection with the use must be conducted entirely within the building. There must be at least 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line.

[(6)](7) Light automobile repair work may be done at an automobile filling station[; provided, that no] but major repairs, spray paint operation or body [or] and fender repair [is permitted] are prohibited uses.

[(7)](8) Vehicles [shall not] must be parked [so as to overhang] completely off of the public right-of-way.

[(8)](9) In a C-1 zone, an automobile, light truck<sub>2</sub> and light trailer rental, as defined in [section] Section 59-G-2.07, and in a C-2 zone, an automobile, truck<sub>2</sub> and trailer rental lot, as defined in [section] Section 59-G-2.09, may be permitted as a part of the special exception[, subject to the provisions set forth for such uses in] if the requirements of this section are satisfied. In addition, a car wash with up to 2 bays may be allowed as an accessory use as part of the special exception.

[(9)](10) In a Rural Village Overlay Zone<sub>2</sub> the following additional standards apply for new development:

- (A) Car wash is prohibited.
- (B) Pump canopies must not exceed 35 feet in height.
- (C) Any structure approved for the use must not exceed the scale and bulk of existing commercial structures in the village.

**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

82 This is a correct copy of Council action.

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85 Linda M. Lauer, Clerk of the Council